

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MIKE TURNER, On Behalf of Himself and All Others Similarly Situated,)	Case No. 04-12294-PBS
)	
Plaintiff,)	Judge Saris
)	
vs.)	
)	
ANDREW J. FILIPOWSKI, MICHAEL P. CULLINANE, PAUL L. HUMENANSKY, TOMMY BENNETT, JOHN COOPER, JAMES E. COWIE, MICHAEL H. FORSTER, ARTHUR W. HAHN, THOMAS J. MEREDITH, J. KEVIN NATER and JOHN RAU,)	
)	
Defendants.)	
_____)	

**PLAINTIFF TURNER'S ASSENTED TO MOTION FOR LEAVE TO FILE A REPLY
MEMORANDUM PURSUANT TO LOCAL RULE 7.1(B)(3)**

Plaintiff Turner hereby respectfully requests that the Court grant leave to file the accompanying seven page Reply Memorandum of Law in Support of Motion for Reconsideration of Remand (the "Reply Brief"), attached hereto. In support of this request, plaintiff Turner states that the Reply Brief responds to arguments relating to the law of the case doctrine, Federal Rules of Civil Procedure, and legal analysis concerning the issue of remand, which were raised for the first time in Defendant's Response to Plaintiff's Motion for Reconsideration of Remand. Plaintiff Turner believes that consideration of this Reply Brief will assist the Court in deciding the issues raised by plaintiff Turner's remand motion.

RULE 7.1 CERTIFICATION

I, the undersigned counsel, represent that I have conferred with counsel of record in good faith with an eye towards resolving or narrowing the disputes in this matter, and that we were not able to resolve the dispute. Defendants have agreed that plaintiff Turner may file this Reply Brief.

DATED: March 24, 2005

Respectfully Submitted,

s/ Marc M. Umeda

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PLAINTIFF TURNER'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM PURSUANT TO LOCAL RULE 7.1(B)(3)** has been served on the parties on the attached Service List, via U.S. First-Class Mail, postage prepaid, on this 24th day of March, 2005.

s/ Marc M. Umeda

MARC M. UMEDA

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